

REMARKS:

Amendments to claims

Claim 1 has been amended to more clearly set out the present invention. More specifically, claim 1 has been amended to define that the “common fluid conduit means” is a “common fluid conduit member having a fluid inlet adapted to receive fluid from a fluid source”, and that the proximal opening of a hollow needle is adapted to be “in fluid communication with the common fluid conduit member and thereby the fluid inlet when the needle is in its second position.” Applicants note that they are **not** invoking 35 USC 112 6th paragraph.

The amendment is based on the specification page 15, lines 8-12 and page 19, lines 1-7 describing a common conduit member 150 respectively 250. The common conduit member 150 is disclosed as having a hub portion 153 serving as a common fluid inlet means, the common conduit member thereby being adapted to receive fluid from a fluid source. The common conduit member 250 is disclosed as having a central portion 253 allowing it to be connected to a fluid source. Corresponding to the definition of a fluid inlet it has been defined that the proximal opening of a needle in its second position is in fluid communication with such a fluid outlet via the common fluid conduit member.

The paragraph “wherein each needle has a first position in which the distal end is retracted relative to the mounting surface, and a second position in which the distal end projects from the mounting surface” defining the second position has been moved to properly define a basis for the later mentioned second position.

The withdrawn claims 18-20 have been properly indicated as withdrawn.

The new claim 24 is based on the specification page 16, lines 33-35, and the new claim 25 is based on the specification page 19, lines 4-7.

Amendments to drawings

The applicant has noticed that reference numeral 153 mentioned in the specification on page 15, line 11 is missing in figure 2, the axially arranged hub portion 153 erroneously being identified as 150.

Correspondingly, in amended figure 2 original reference numeral 150 has been amended to read 153 and a new reference numeral 150 has been added identifying the common conduit member, see page 15, line 9, this corresponding to the reference numerals 250 and 253 used in figure 7.

Claim rejections – 35 USC 102

In the Office Action dated October 17 the Examiner has maintained the rejection of claims 1-7, 12, 14-17, and 21 under 35 USC 102(e) as being anticipated by Aceti et al. (US patent 7,004,928).

Having regard to the previously made arguments by the applicant as well as the Examiner's statements in the Response to Arguments paragraph, it appears that the main issue is the interpretation of the term "common fluid conduit", this being emphasized by the Examiner's statement that the "applicant appears to be arguing limitations that are not found in the claims."

Before turning to a discussion of the term "common fluid conduit" it is noted that the Examiner in the Response to Arguments paragraph has used the reference numeral 243, however, it appears there is such reference numeral in Aceti et al. for which reason it is assumed that 243 should read 234.

Turning first to Aceti et al. applicant submits that the Examiner agrees that this reference discloses the following: A device comprising a plurality of individually addressable micro needles (14, 214), each micro needle being associated with a micro-channel (20, 220) having a proximal end (44) (also named a fluidic capture site 280 with reference to fig. 5), each micro-channel being associated with a conduit (42, 242) as shown in fig. 3 respectively fig. 8. As pointed out previously by the applicant this conduit is described in Col. 10, line 59 and erroneously denoted 234, where the reference numeral 234 in figs. 6 and 8 is used to denote a sensor.

As appears, Aceti et al. discloses a device comprising a plurality of conduits (42, 242, "234"), each conduit being associated with a micro needle (14, 214).

In contrast, the present invention provides a device in which a single conduit (150, 250) is adapted to engage a plurality of needles. Based on this concept the single conduit was termed a "common" conduit, this in order to distinguish it over Aceti et al. disclosing a plurality of conduits.

However, by the statement "The applicant appears to be arguing limitations that are not found in the claims" it appears that the Examiner has considered the term "common conduit" to be merely a name for a given structure without implying those limitations intended by the applicant by the incorporation of this specific term in claim 1 .

Correspondingly, to clearly point out the difference over Aceti et al. amended claim 1 now defines that the common fluid conduit means is a “common fluid conduit member having a fluid inlet adapted to receive fluid from a fluid source”, and that the proximal opening of a hollow needle is adapted to be “in fluid communication with the common fluid conduit member and thereby the fluid inlet when the needle is in its second position”.

As appears, Aceti et al. fails to disclose a fluid inlet in communication with a common fluid conduit member, which fluid inlet can be arranged in fluid communication with the proximal opening of each of the hollow needles when they are arranged in their second projecting position.

In contrast, as Aceti et al. is concerned with the monitoring of blood samples collected in the individual micro channels (20, 220), it follows that the provision of a fluid inlet and of a common fluid conduit member for connecting the proximal ends of the extended micro needles to the fluid inlet is not relevant.

Claim rejections – 35 USC 103

The examiner has rejected claim 8 under 35 USC 103(a) as being unpatentable over Aceti et al. in view of Groth (WO 01/93927), however, claim 8 is now dependent upon amended claim 1.

Conclusion

In conclusion, Aceti et al. as well as Groth, alone or in view of any of the references on file, fail to make obvious to the skilled person a device as defined in amended claim 1.

All further claims are dependent upon an independent claim.

In view of the above, applicants respectfully submit that all claims are in condition for allowance.

The Commissioner is hereby authorized to charge any fees, including fees for extensions of time, in connection with this application and to credit any overpayments to Deposit Account No. 14-1447. Should the Examiner have any questions or concerns, she should feel free to contact the applicants' attorney to discuss them.

Respectfully submitted,

Date: February 15, 2007

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